

Serial No. 10/803,799

Docket No. GMC 0026 PA /42320.30/GP-3

Remarks

Claims 1-44 were pending in the present application. Claims 3, 4, and 16-44 were withdrawn from consideration. As a result of this amendment, claims 1, 2, and 5-15 are pending. Reexamination and reconsideration are requested in light of the accompanying amendments and remarks.

Applicant confirms the election of Group 1, claims 1-14, with traverse. In explaining why Inventions I and II were distinct, the examiner stated that "the process for using the product as claimed can be practiced with another materially different product, such as one which does not [sic] include the detailed limitations of the catalyst as recited in claims 16-25." Applicant respectfully disagrees. The high activity water gas shift catalyst system of claim 15 is the same as the high activity water gas shift catalyst system which appears in method claim 1. Therefore, the restriction between Groups I and II is improper, and applicant respectfully requests that it be withdrawn.

Applicant confirms the election of Species 1, which reads on claims 1, 2, 5-16, and 19-25, with traverse. First, the examiner has provided no reason for requiring the election of species. See MPEP 809.02(a). In addition, as the examiner stated, claims 1, 5-15, and 18-25 are generic claims. Applicant respectfully requests that the election of species be withdrawn, and claims 4 and 5 (as well as withdrawn claims 17 and 18) be considered and allowed.

The rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph as being indefinite is respectfully traversed. Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. Alternative expressions using "or" are acceptable. MPEP 2173.05(h). Applicant submits there is no uncertainty or ambiguity with respect to the scope or clarity of the claims. Therefore, Applicant respectfully requests that this rejection be withdrawn.

The rejection of claims 1, 5, 7, and 9-15 under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as obvious over Hagemeyer '327 is respectfully traversed. Hagemeyer '327 is not available as a reference against the application. Applicants reduced the claimed invention to practice prior to December 20, 2002 as shown by the accompanying Declaration of Anca Faur-Ghenciu, Sailesh Mullapudi, Mark R. Feaviour, Nathan E. Trusty, And Jessica G. Reinkingh Under 37 C.F.R. 1.131. Prior to December 20, 2002, water gas shift catalysts systems according to the claims were made and showed high

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WGS activity and no methanation activity. Because Hagemeyer '327 is not available as a reference, applicants respectfully request that the rejection under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103 (a) as being unpatentable over Hagemeyer '327 be withdrawn.

The rejection of claims 2, 6, and 8 under 35 U.S.C. §103 (a) as obvious over Hagemeyer '327 is respectfully traversed. As discussed above, Hagemeyer '327 is not available as a reference. Therefore, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1, 5, 7, and 9-15 under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103 (a) as obvious over Hagemeyer '986 is respectfully traversed. Hagemeyer '986 is not available as a reference against the application. Applicants reduced the claimed invention to practice prior to December 20, 2002 as shown by the accompanying Declaration of Anca Faur-Ghenciu, Sailesh Mullapudi, Mark R. Feaviour, Nathan E. Trusty, And Jessica G. Reinkingh Under 37 C.F.R. 1.131. Prior to December 20, 2002, water gas shift catalysts systems according to the claims were made and showed high WGS activity and no methanation activity. Because Hagemeyer '986 is not available as a reference, applicants respectfully request that the rejection under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103 (a) as being unpatentable over Hagemeyer '986 be withdrawn.

The rejection of claims 6, and 8 under 35 U.S.C. §103 (a) as obvious over Hagemeyer '986 is respectfully traversed. As discussed above, Hagemeyer '986 is not available as a reference. Therefore, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1, 5, 7, and 9-15 under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103 (a) as obvious over Korotkikh is respectfully traversed. Korotkikh teaches a water gas shift catalyst comprising a methane production suppressing effective amount of a basic metal oxide.

Korotkikh does not teach or suggest the use of an "anti-methanation agent comprising at least one compound selected from copper compounds, manganese compounds, iron compounds, or combinations thereof," as claimed. In Korotkikh, the methane production suppression agent is a basic metal oxide, such as ZnO. See Abstract, col. 3, lines 5-10, col. 3, lines 66 to col. 4, line 3, col. 6, line 53 to col. 7, line 5, col. 7, lines 28-47, col. 8, lines 25-33, col. 8, lines 41-45, Col. 11, lines 7-13, Figs. 1, 2, and 4, and claim 1.

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The Fe and Mn in Korotkikh are not anti-methanation agents as claimed. Rather, they are either catalytic agents or promoters. See col. 7, lines 48-64. Therefore, Korotkikh does not anticipate or render obvious claims 1, 5, 7, and 9-15.

The rejection of claims 6, and 8 under 35 U.S.C. §103 (a) as obvious over Korotkikh is respectfully traversed. As discussed above, Korotkikh does not teach or suggest the use of an "anti-methanation agent comprising at least one compound selected from copper compounds, manganese compounds, iron compounds, or combinations thereof," as claimed. Therefore, Korotkikh does not render claims 6, and 8 obvious.

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CONCLUSION

Applicant respectfully submits that, in view of the above amendment and remarks, the application is now in condition for allowance. Applicant respectfully requests that claims 1, 2, and 5-15 be passed to allowance.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
DINSMORE & SHOHL LLP

By Patricia L. Prior
Patricia L. Prior
Registration No. 33,758

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

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FROM-Dinsmore & Shohl Dayton

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